

REMARKS

Claims 1, 3-8 and 10-14 are pending in the Application. Claims 1, 3-8 and 10-12 are allowed. Claim 14 is objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 13 is rejected under 35 U.S.C. §103(a). Applicants respectfully traverse this rejection for at least the reasons stated in the response having a mailing date of November 4, 2004 and file a Notice of Appeal concurrently herewith.

Applicants amended claim 14 to be rewritten in independent form including all of the limitations of the base claim and any intervening claims. Consequently, claims 1, 3-8, 10-12 and 14 are allowable.

Applicants note that claim 14 was not amended to overcome prior art but to be written in independent form. Hence, the amendment made to claim 14 was not narrowing in scope and therefore no prosecution history estoppel arises from the amendment to claim 14. *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.*, 62 U.S.P.Q.2d 1705, 1711-12 (2002); 56 U.S.P.Q.2d 1865, 1870 (Fed. Cir. 2000). Further, the amendment made to claim 14 was not made for a substantial reason related to patentability and therefore no prosecution history estoppel arises from such an amendment. *See Festo Corp.*, 62 U.S.P.Q.2d 1705 at 1707 (2002); *Warner-Jenkinson Co. v. Hilton Davis Chemical Co.*, 41 U.S.P.Q.2d 1865, 1873 (1997).

**CONCLUSION**

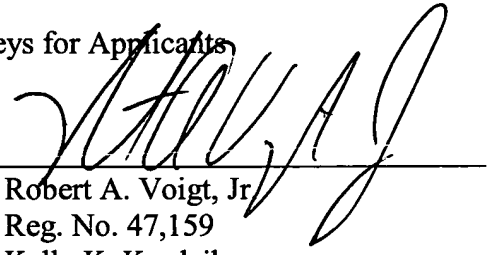
As a result of the foregoing, it is asserted by Applicants that claims 1, 3-8 and 10-14 in the Application are in condition for allowance, and Applicants respectfully request an allowance of such claims. Applicants respectfully request that the Examiner call Applicants' attorney at the below listed number if the Examiner believes that such a discussion would be helpful in resolving any remaining issues.

Respectfully submitted,

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